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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/965,541	09/26/2001	Umesh Madan	4444P006	3736

8791 7590 10/22/2003

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LOS ANGELES, CA 90025

EXAMINER

KINDRED, ALFORD W

ART UNIT	PAPER NUMBER
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2172

DATE MAILED: 10/22/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/965,541

Applicant(s)

MADAN ET AL.

Examiner

Alford W. Kindred

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 092601.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) \_\_\_\_\_ is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

1. This action is responsive to application filed on 09/26/01.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 4-6, 8-9, 12-14, 16-17, 20-22, 24-25, 28-30, and 32 are rejected under 35 U.S.C. 102(e) as being anticipated by Chin et al., US# 2001/002455 A1.

As per claim 1, Chin et al. teaches “converting a search term in a search request to one or more canonical phonetic forms” (see paragraph [0164]) “performing a phonetic keyword search for each canonical phonetic form of the search term” (see page 3, paragraph [0041] and page 9, paragraph 164) “generating an indication of search results based, at least in part, on the phonetic keyword search” (see page 16, paragraph [0263] and [0264]).

As per claims 4-6, Chin et al. teaches “search the canonical phonetic forms of keywords for one or more of the canonical phonetic forms to the search term” (see page 16, paragraph [0164] and page 7, paragraphs [0124] and [0129]).

As per claim 8, Chin et al. teaches "displaying a product corresponding to the search results" (see page 6, paragraph [0113] and [0114], whereas Chin's Browser displays data in a manner similar to applicant's claim language).

As per claims 9 and 12-14, these claims are rejected on grounds corresponding to the arguments given above for rejected claims 1-8 and are similarly rejected.

As per claims 17 and 20-22, these claims are rejected on grounds corresponding to the arguments given above for rejected claims 1-8 and are similarly rejected.

As per claims 25 and 28-30, these claims are rejected on grounds corresponding to the arguments given above for rejected claims 1-8 and are similarly rejected.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2-3, 7, 10-11, 15, 18-19, 23, 26-27 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chin et al., in view of Komissarchik et al., US# 5,799,276.

As per claims 2, Chin et al. teaches "generating one or more canonical phonetic forms of the search term based, at least in part, on the one or more canonical representations" (see page 9, paragraph [0166]). Chin et al. does not explicitly teach "identifying one or more diphthongs within the search term . . . determining . . .".

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Komissarchik et al. teaches "identifying one or more diphthongs within the search term . . . determining . . ." (see col. 83, lines 53-65). It would have been obvious at the time of the invention for one of ordinary skill in the art to have combined the teachings of Komissarchik and Chin above, because using the steps of "identifying one or more diphthongs within the search term . . . determining . . .", would have given those skilled in the art the tools to implement diphthongs in regards to searching data based on a phonetic elements.

As per claims 3, Chin et al. teaches "determining whether any canonical representations exist from one or more letters within the search term" (see page 7, paragraph [0124] and page 9, paragraph [0164]) "including the one or more canonical phonetic forms of the search term any canonical representation for the one or more letters" (page 16, paragraph [0263] and page 9, paragraph [0165]).

As per claim 7, this claim is rejected on grounds corresponding to the arguments given above for rejected claims 1-2 and are similarly rejected.

As per claims 10-11 and 15, these claims are rejected on grounds corresponding to the arguments given above for rejected claims 2-3 and 7 and are similarly rejected.

As per claims 18-19, 23, 26-27, and 32, these claims are rejected on grounds corresponding to the arguments given above for rejected claims 2-3 and 7 and are similarly rejected.

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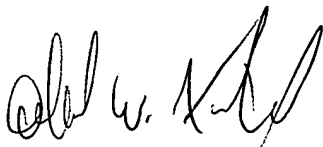
***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US# 2002/0052870 A1.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alford W. Kindred whose telephone number is 703-305-3802. The examiner can normally be reached on Mon-Fri 9:00 am- 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Klm Vu can be reached on (703) 305-4393. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-9000.

A handwritten signature in black ink, appearing to read 'Alford W. Kindred', is positioned above the printed name.

Alford W. Kindred  
Patent Examiner  
Tech Ctr. 2100